In the High Court of Judicature at Madras

Dated: 04.01.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N.PAUL VASANTHAKUMAR

Writ Petition Nos.41786, 41922, 36741 and 36742 of 2006
and M.P.No.1 of 2006 in all Writ Petitions
and M.P.No.2 of 2006 in W.P.Nos.36741 and 36742 of 2006

R.Sriram (alias) Rajivakshan
74 C.P Ramasamy Road,
Alwarpet, Chennai-18 ..Petitioner in W.P.Nos. 41786 and 41922 of 2006

V.Jaggannathan
T 77A, 29th Cross Street,
Besant Nagar, Chennai-90 ..Petitioner in W.P.Nos. 36741 and 36742 of 2006

..vs..

The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008. ..Respondent in all the Writ Petitions

Writ Petition Nos.41786 and 36742 of 2006 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the respondent vide their Letter No.ESI/20075/04 dated 15.09.2006 purported to have been the one issued u/s.56 r/w 85 of Town and Country Planning Act and to quash the same and forbearing the respondent from demolishing any portion of the building constructed in Door No.74, C.P.Ramaswamy Road, Alwarpet, Chennai-600 018.

Writ Petition Nos.41922 and 36741 of 2006 filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the respondent vide their Letter No.ESI/20075/04 dated 15.09.2006 purported to have been the one issued u/s.56 of Town and Country

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

Planning Act for the discontinuance of usage of Basement + Ground floor of Block 11 in Door No.74, C.P.Ramaswamy Road, Alwarpet, Chennai-600 018 as departmental store, quash the same and direct the respondent to accord sanction as departmental store vide their application dated 22.01.2004.

For Petitioner in W.P. 41786 & 41922/2006 : Mr.S.Thiruvenkataswamy

For Petitioner in W.P. 36741 & 36742/2006 : Mr.Krishnappan for Mr.S.Sundaresan

For Respondent : Mr.P.S.Raman, Additional Advocate General assisted by Mr.J.Ravindran

COMMON ORDER

(Common order of the Court was made by P.SATHASIVAM, J.,)

Heard the learned counsel appearing for petitioners as well as learned Additional Advocate General for respondent.

2. After hearing both sides at length, on the last hearing, the petitioners sought reasonable time for restoring the building in accordance with the sanctioned plan. Pursuant to the said request, today, petitioner in W.P.No.41786 and 41922 of 2006, namely, R.Sriram @ Rajivakshan, owner of the basement floor + ground floor constructed in Block No.II, Door No.74, C.P.Ramaswamy Road, Alwarpet, Chennai-18, has filed an affidavit, undertaking to restore the building to its original usage as NON FSI as sanctioned. The relevant clauses in the Aaffidavit dated 04.01.2007 are hereby extracted.

> "5. I submit that at that point of time my counsel has offered to the Court that the building usage will be stopped if the notices goes and also sought time for 6 months to restore the same to its original usage as NON FSI as sanctioned since there are so many crores invested by way of interior decoration and face lifting.
>
> 6. I submit that pursuant to the undertaking by counsel I am filing this affidavit to restore the usage in the construction within 6 months from today i.e.on or before 30.06.2007."

The said undertaking is hereby recorded.

3. Learned counsel appearing for other petitioner (W.P.No.36741 and 36742 of 2006) agreed to abide by the undertaking

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

given by the petitioner in W.P.No.41786 of 2006. The statement of the respective counsel also is hereby recorded.

4. In view of the same, the petitioners are granted six months time, namely, upto 30.06.2007 to restore the building to its original usage as NON FSI as sanctioned. It is made clear that after restoration, the petitioners are directed to intimate the same to the respondent and it is for the respondent to inspect and verify the same. It is further made clear that if any deviation or violation is noticed, the respondent is free to proceed further in accordance with law. Till such time, namely, 30.06.2007, the impugned notice shall be kept in abeyance.

With the above observation, all the writ petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

gl

To

The Member Secretary,
Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.

1 cc to Mr.J. Ravindran, Advocate, Sr. 1208
1 cc to Mr.S. Thiruvenkataswamy, Advocate, Sr. 585
1 cc to MR.S. Sundaresan, Advocate, sr. 584

WEB COPY

Writ Petition Nos.41786,
41922,36741 and 36742 of 2006

VC (CO)
kk 11/1

https://hcservices.ecourts.gov.in/hcservices/